

Bill No. CS for CS for SB 522, 1st Eng.

Amendment No. Barcode 230316

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Sebesta moved the following amendment:

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Senate Amendment

On page 16, line 30, through

page 20, line 8, delete those lines

16 and insert:

18 ~~(a) Willful violation of any other law of this state,~~

19 ~~including chapter 319, this chapter, or ss. 559.901-559.9221,~~

20 ~~which has to do with dealing in or repairing motor vehicles or~~

21 ~~mobile homes or willful failure to comply with any~~

22 ~~administrative rule promulgated by the department.~~

23 ~~Additionally, in the case of used motor vehicles, the willful~~

24 ~~violation of the federal law and rule in 15 U.S.C. s. 2304, 16~~

25 ~~C.F.R. part 455, pertaining to the consumer sales window form.~~

26 1.(b) Commission of fraud or willful misrepresentation

27 in application for or in obtaining a license.

28 2. Conviction of a felony.

29 3. Failure to honor a bank draft or check given to a

30 motor vehicle dealer for the purchase of a motor vehicle by

31 another motor vehicle dealer within 10 days after notification

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1 that the bank draft or check has been dishonored. If the
2 transaction is disputed, the maker of the bank draft or check
3 shall post a bond in accordance with the provisions of s.
4 559.917, and no proceeding for revocation or suspension shall
5 be commenced until the dispute is resolved.

6 (b) The department may deny, suspend, or revoke any
7 license issued hereunder or under the provisions of s. 320.77
8 or s. 320.771 upon proof that a licensee has committed, with
9 sufficient frequency so as to establish a pattern of
10 wrongdoing on the part of a licensee, violations of one or
11 more of the following activities:

12 ~~(c) Perpetration of a fraud upon any person as a~~
13 ~~result of dealing in motor vehicles, including, without~~
14 ~~limitation, the misrepresentation to any person by the~~
15 ~~licensee of the licensee's relationship to any manufacturer,~~
16 ~~importer, or distributor.~~

17 1.(d) Representation that a demonstrator is a new
18 motor vehicle, or the attempt to sell or the sale of a
19 demonstrator as a new motor vehicle without written notice to
20 the purchaser that the vehicle is a demonstrator. For the
21 purposes of this section, a "demonstrator," a "new motor
22 vehicle," and a "used motor vehicle" shall be defined as under
23 s. 320.60.

24 2.(e) Unjustifiable refusal to comply with a
25 licensee's responsibility under the terms of the new motor
26 vehicle warranty issued by its respective manufacturer,
27 distributor, or importer. However, if such refusal is at the
28 direction of the manufacturer, distributor, or importer, such
29 refusal shall not be a ground under this section.

30 3.(f) Misrepresentation or false, deceptive, or
31 misleading statements with regard to the sale or financing of

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1 motor vehicles which any motor vehicle dealer has, or causes
2 to have, advertised, printed, displayed, published,
3 distributed, broadcast, televised, or made in any manner with
4 regard to the sale or financing of motor vehicles.

5 4. Failure by any motor vehicle dealer to provide a
6 customer or purchaser with an odometer disclosure statement
7 and a copy of any bona fide written, executed sales contract
8 or agreement of purchase connected with the purchase of the
9 motor vehicle purchased by the customer or purchaser.

10 5. Failure of any motor vehicle dealer to comply with
11 the terms of any bona fide written, executed agreement,
12 pursuant to the sale of a motor vehicle.

13 6. Failure to apply for transfer of a title as
14 prescribed in s. 319.23(6).

15 7. Use of the dealer license identification number by
16 any person other than the licensed dealer or his or her
17 designee.

18 8. Failure to continually meet the requirements of the
19 licensure law.

20 9. Representation to a customer or any advertisement
21 to the public representing or suggesting that a motor vehicle
22 is a new motor vehicle if such vehicle lawfully cannot be
23 titled in the name of the customer or other member of the
24 public by the seller using a manufacturer's statement of
25 origin as permitted in s. 319.23(1).

26 10.(g) Requirement by any motor vehicle dealer that a
27 customer or purchaser accept equipment on his or her motor
28 vehicle which was not ordered by the customer or purchaser.

29 11.(h) Requirement by any motor vehicle dealer that
30 any customer or purchaser finance a motor vehicle with a
31 specific financial institution or company.

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1 ~~(i) Failure by any motor vehicle dealer to provide a~~
2 ~~customer or purchaser with an odometer disclosure statement~~
3 ~~and a copy of any bona fide written, executed sales contract~~
4 ~~or agreement of purchase connected with the purchase of the~~
5 ~~motor vehicle purchased by the customer or purchaser.~~

6 ~~(j) Failure of any motor vehicle dealer to comply with~~
7 ~~the terms of any bona fide written, executed agreement,~~
8 ~~pursuant to the sale of a motor vehicle.~~

9 12.(k) Requirement by any the motor vehicle dealer
10 that the purchaser of a motor vehicle contract with the dealer
11 for physical damage insurance.

12 13. Perpetration of a fraud upon any person as a
13 result of dealing in motor vehicles, including, without
14 limitation, the misrepresentation to any person by the
15 licensee of the licensee's relationship to any manufacturer,
16 importer, or distributor.

17 14.(l) Violation of any of the provisions of s. 319.35
18 by any motor vehicle dealer.

19 15. Sale by a motor vehicle dealer of a vehicle
20 offered in trade by a customer prior to consummation of the
21 sale, exchange, or transfer of a newly acquired vehicle to the
22 customer, unless the customer provides written authorization
23 for the sale of the trade-in vehicle prior to delivery of the
24 newly acquired vehicle.

25 16. Willful failure to comply with any administrative
26 rule adopted by the department.

27 17. Violation of chapter 319, this chapter, or ss.
28 559.901-559.9221, which has to do with dealing in or repairing
29 motor vehicles or mobile homes. Additionally, in the case of
30 used motor vehicles, the willful violation of the federal law
31 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining

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1 to the consumer sales window form.
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